

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

UNITED STATES OF AMERICA and	)	
THE STATE OF WISCONSIN,	)	
	)	
Plaintiffs,	)	Civil Action No. 10-C-910
	)	
v.	)	Hon. William C. Griesbach
	)	
NCR CORPORATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF RANDALL M. STONE IN RESPONSE TO MOTION FOR  
SUMMARY JUDGMENT ON NON-LIABILITY FILED BY APPLETON PAPERS INC.**

I, Randall M. Stone, declare as follows:

1. I am a Senior Attorney with the Environmental Enforcement Section of the United States Department of Justice. I have served as counsel for the United States on matters concerning the Lower Fox River and Green Bay Superfund Site since 2000.

2. Exhibit 1 to this Declaration is a true and correct copy of an April 23, 1980 Federal Register Notice concerning a proposed Consent Decree in *United States v. NCR Corporation, Appleton Papers, Inc., and Appleton Papers Inc.*, No. 77-1408 (W.D. Pa.).

3. Exhibit 2 to this Declaration is a true and correct copy of the entered Consent Decree in *United States v. NCR Corporation, Appleton Papers, Inc., and Appleton Papers Inc.*, No. 77-1408 (W.D. Pa.).

4. Exhibit 3 to this Declaration is a true and correct copy of the Assumption Agreement that was signed by Lentheric, Inc. (now known as Appleton Papers Inc. (“API”)) in connection with API’s purchase of NCR Corporation’s Appleton Papers Division assets in 1978.

5. Exhibit 4 to this Declaration is a true and correct copy of an August 12, 2011 letter from EPA to representatives of NCR, API, and the Lower Fox River Remediation LLC (the “LLC”).

6. Exhibit 5 to this Declaration is a true and correct copy of an August 26, 2011 printout of the LLC’s “Project Update” webpage for the Fox River cleanup project. The webpage reports that the “2011 dredging and processing season . . . concluded in mid-August” and that an estimated total of only 239,414 cubic yards of sediment was dredged in 2011.

7. Discovery has not yet commenced in this action. For that reason, the Plaintiffs have not yet had an opportunity to obtain any formal discovery in this case from API or other parties concerning: (i) facts and extrinsic evidence that may be relevant to the interpretation of any ambiguities in the agreements between API and NCR; or (ii) releases or threatened releases of PCBs from the Appleton Coating Facility or the Combined Locks Mill after API acquired those facilities in July 1978.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 26, 2011

s/ Randall M. Stone

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this day, the foregoing Declaration was filed electronically with the Clerk of the Court using the Court's Electronic Court Filing System, which sent notification of such filing to the following counsel:

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Dated: August 26, 2011

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